

ADDENDUM TO FINAL STATEMENT OF REASONS

Unit Modification Petition Issues

Among the changes made to section 32781 is the deletion of reference to a requirement that such petitions be filed on a form provided by the Board. Instead, the section describes at subsection (d) the information that must be provided with a unit modification petition. The required information serves to identify the employer and exclusive representative, the bargaining unit at issue, any other interested party or parties, the classifications or positions at issue, the nature of the dispute, and the status of any collective bargaining agreement in the unit. This information is necessary in order to properly process and investigate the petition, and is consistent with the information required for petitions filed under sections 61450, 81450 and 91450.

Calculation of Last Day to File in Window Period Filings (see Government Code section 6800)

The proposed changes to sections 32130(b), 33020, 40130, 51026, 61010, 71026, 81010 and 91010 will allow for the extension of the time period in which certain types of representation petitions may be filed, where the filing must be made not less than a specified number of days prior to the expiration of a collective bargaining agreement, to the next PERB business day in cases where the last day for filing would otherwise fall on a Saturday, Sunday or state holiday. This change, which is consistent with rules and practices of both the Agricultural Labor Relations Board and the National Labor Relations Board, will promote both increased labor relations stability and the opportunity for employees to exercise their right to freely choose which employee organization, if any, represents them.

The changes also conform PERB regulations to the provisions of Government Code sections 6707 and 6800. The changes are not in conflict with Griffin v. Dingley (1896) 114 Cal 481, and cases following it, as those cases are narrowly constructed in the context of what is required in order for an election to proceed on the date set. (See DeLeon v. Bay Area Rapid Transit District (1983) 33 Cal.3d 456 (facts distinguished from Griffin where “holiday extension would not interfere with the purpose of the statute”); see also 98 ALR2d 1331.) The changes are in conformance with the general rule set forth in Clements v. Pasadena Finance Co. (1967) 376 F.2d 1005 (“In order to apply a different method of computing time, the particular statute involved must specifically require the application of a different rule.”).

None of the statutes administered by PERB “specifically require the application of a general rule,” and the application of the holiday extension rule found in Government Code sections 6707 and 6800 will promote rather than interfere with the purposes of the statutes.

Determination Pursuant To Government Code Section 11346.9(A)(4)

Pursuant to Government Code section 11346.9(a)(4), the Public Employment Relations Board has determined that no alternative considered would be more effective in carrying out the

purpose of the proposed action or would be as effective and less burdensome to affected parties in carrying out the purpose for which the regulations are proposed.

Final Impact Statement

Mandate on local agencies and school districts: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: None

Costs or savings to state agencies: None

Cost or savings on federal funding to the state: None

Cost impact on private persons or directly affected businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact on business including the ability of California businesses to compete with businesses in other states: None

Significant effect on housing costs: None

The proposed regulations will not affect small business because they only affect public employers and public employees.